

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:	:	CASE NO. 05-95374-JB
	:	
GERTRUDE G. ISAAC,	:	
	:	
Debtor.	:	CHAPTER 7
<hr style="border: 0.5px solid black;"/>	:	
GERTRUDE G. ISAAC,	:	
	:	
Plaintiff,	:	ADVERSARY PROCEEDING NO. 05-09169
	:	
v.	:	
	:	
WACHOVIA, NATIONAL ED.	:	
SERVICING, STUDENT LOAN	:	
FINANCE CORP., UNIVERSITY OF	:	
PHOENIX, GRC, CFS-SUN TECH	:	
SERVICING, LLC, BONY, ELT	:	
COLLEGIATE FUNDING SERVICES,	:	
SALLIE MAE EDUCATION CREDIT	:	
FUNDING, LLC,	:	
	:	
Defendants.	:	

ORDER

On December 13, 2005, debtor filed this adversary proceeding to determine the dischargeability of student loans pursuant to 11 U.S.C. § 523(a)(8). In the complaint, debtor alleges her student loans should be discharged, as they impose an undue hardship on the debtor and her dependents. Three lenders, Educational Credit Management Corporation, Student Loan Finance Corp., and Sallie Mae Credit Funding, LLC, have filed answers. On March 24, 2006,

Thomas W. Joyce, counsel for Educational Credit Management Corporation (hereinafter "ECMC"), served debtor by first class mail, a set of interrogatories and requests for production of documents. On April 3, 2006, debtor filed a motion to strike each and every item requested by ECMC.

Discovery, including interrogatories and requests for production of documents, is governed by Rule 26 of the Federal Rules of Civil Procedure made applicable to bankruptcy proceedings by Rule 7026 of the Federal Rules of Bankruptcy Procedure. Rule 26(b)(1) states:

Parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge and any discoverable matter Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence. . . .

Fed. R. Civ. P. 26(b)(1).

After carefully reviewing ECMC's first set of interrogatories and requests for production of documents, filed on April 12, 2006 as an exhibit to ECMC's response to debtor's motion to strike, the Court finds them to be appropriate and well within the scope of discoverable information in a proceeding under § 523(a)(8). Accordingly, debtor's motion to strike cannot be granted and must be DENIED. It appears, however, from debtor's motion to strike that she wants an opportunity to communicate with defendants' counsel to discuss the merits of her undue hardship claim. The Court encourages such discussion and urges the parties to communicate in an effort to exchange information and resolve their disputes.

IT IS SO ORDERED, this _____ day of April, 2006.

JOYCE BIHARY
UNITED STATES BANKRUPTCY JUDGE

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